



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
v.

BRETT A. COHEN [2]

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 10CR4832-BTM

BEN COLEMAN

Defendant's Attorney

REGISTRATION NO.

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 OF THE INFORMATION

☐

was found guilty on count(s) _____
after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Count Number(s)</u> |
|----------------------------|---------------------------------------|------------------------|
| 18USC371 | CONSPIRACY TO COMMIT SECURITIES FRAUD | 1 |

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ is ☐ are ☐ dismissed on the motion of the United States.

☒ Assessment: \$100.00 to be paid forthwith.

☒ Fine \$500.00 ☐ Forfeiture pursuant to order filed _____, included herein.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

DECEMBER 5, 2011

Date of Imposition of Sentence

HON. BARRY TED MOSKOWITZ
UNITED STATES DISTRICT JUDGE

10CR4832-BTM

DEFENDANT: BRETT A. COHEN [2]
CASE NUMBER: 10CR4832-BTM

PROBATION

The defendant is hereby sentenced to probation for a term of :

THREE (3) YEARS.

The defendant shall not commit another federal, state, or local crime.

For offenses committed on or after September 13, 1994:


BARRY TED MOSKOWITZ
UNITED STATES DISTRICT JUDGE

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 2 drug tests per month during the term of supervision, unless otherwise ordered by court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).

☐

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: BRETT A. COHEN [2]
CASE NUMBER: 10CR4832-BTM



SPECIAL CONDITIONS OF SUPERVISION

- ☒ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to t
- ☐
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented alien smugglers.
- ☐ Not reenter the United States illegally.
- ☐ Not enter the Republic of Mexico without written permission of the Court or probation officer.
- ☒ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☒ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☒ Make restitution as set forth on page 4 of this Judgement forthwith.
- ☒ Pay a fine in the amount of \$500.00, to be paid within 30 days.
- ☐ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of 120 days at the direction of the Probation Officer.
- ☒ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Obtain GED or a High school degree within 12 months.
- ☒ Complete 200 hours of community service in a program approved by the probation officer within 18 Months.
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of
- ☒ If the defendant has complied with all conditions of Supervised Probation for 2 Years, Supervised Probation may be terminated on application to the Court and good cause shown.
- ☐ Notify the Collections Unit, United States Attorney's Office, before transferring any interest in any property owned directly or indirectly by him, including any interest held or owned under any other name or entity, including trusts, partnerships or corporations, until fine or restitution is paid in full.

DEFENDANT: BRETT COHEN [2]
CASE NUMBER: 10CR4832-BTM

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RESTITUTION

as set forth below

The defendant shall pay restitution in the amount of \$185,420.00 ~~unto the United States of America.~~

This sum shall be paid immediately.
 x as follows:

The defendant shall make restitution through the Clerk of the Court jointly and severally with Codefendants in this case and Codefendants in USDC-S/CA case 11cr0522-BTM in the amount of \$185,420.00 to be paid to the following persons in the following amounts:

| | |
|------------------------|-------------|
| Citadel Securities | \$ 5,130.00 |
| Cutler Group | \$79,365.00 |
| Susquehanna Securities | \$82,275.00 |
| Toro Trading, LLC | \$18,650.00 |

The Court has determined that the defendant does have the ability to pay interest. It is ordered that:

 The interest requirement is waived

 x The interest is modified as follows:

Interest is waived on this criminal Judgment only if the restitution is fully paid within 24 months.

DEFENDANT: BRETT COHEN [2]
CASE NUMBER: 10CR4832-BTM

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FINE

The defendant shall pay a fine in the amount of \$500.00 unto the United States of America.

This sum shall be paid immediately.
 x as follows:

Within THIRTY (30) Days.

The Court has determined that the defendant does have the ability to pay interest. It is ordered that:

 x The interest requirement is waived. If paid within 30 Days

 The interest is modified as follows: